

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3957

United States of America,

Appellee,

v.

James Daniel Dechon Ellis, also known
as J.D.,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: May 20, 2002
Filed: June 7, 2002

Before McMILLIAN, BOWMAN, and BYE, Circuit Judges.

PER CURIAM.

James Ellis pleaded guilty to bank fraud, in violation of 18 U.S.C. §§ 1344 and 2. The district court,¹ after denying Ellis a 2-level acceptance-of-responsibility reduction, sentenced him to 38 months imprisonment and 5 years supervised release. On appeal, Ellis argues that the district court erred in denying him the acceptance-of-responsibility reduction.

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota.

The district court did not clearly err in denying the reduction. See United States v. Perez, 270 F.3d 737, 739 (8th Cir. 2001) (standard of review), cert. denied, 122 S. Ct. 1336 (2002). The evidence at sentencing showed that after his arrest Ellis absconded from a halfway house, attempted to break into his former girlfriend's residence, made threatening phone calls to her from jail, and received an obstruction-of-justice enhancement. See U.S.S.G. § 3E1.1, comment. (n.4); United States v. Martinez, 234 F.3d 1047, 1048 (8th Cir. 2000) (per curiam); United States v. Ngo, 132 F.3d 1231, 1233 (8th Cir. 1997).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.